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RAILROADS WIN FIGHT AGAINST TWO-CENT LAW

Court Decides in Favor of Eighteen Railroads which Attacked Missouri Two-cent Maximum Rate Law—Holds that Statutes do Not Allow Unreasonable Profits—New York Case is not Parallel.

Kansas City, Mo., March 8.—Eighteen roads made. The Santa Fe gross profit is only 4 or 5 per cent. Under the 1907 law, the Rock Island, the St. Louis and Hannibal, the Kansas City, Clinton and Springfield and the Great Western make no profits. It being a legislative act, and not judicial, the court cannot fix the rates. If it could, it would fix a 2-1-2 passenger rate on the stronger roads. Most laymen and many lawyers believe the question is whether a railroad as a system earns sufficient revenue upon the value of the system. It is believed the state rate must stand if the railroad earns enough to pay all charges and expenses.

"While Judge McPherson's is simply a decision of one man," said Governor Hadley today, "it must be accepted until the questions involved are submitted to the supreme court. I think the decision is wrong. It would be as easy for the railroads to prove a three cent rate as confiscatory as the two cent rate."

"Hughes had the moral courage to veto a popular measure because he believed the question was not properly considered in the legislature," said the court in deciding the case.

The court held six per cent a reasonable profit, which none of the

FLAYS COL. COOPER IN ARGUMENT TO JURY

State's Attorney Calls Slayer of Carmack, a Gambler. Corrupt Politician and a Man whose Reputation Had Been Attacked for Years—Says that Carmack Never Made an Utterance that Justified the Killing.

Washington, March 8.—Taft is planning to spend part of the summer in the West, as a result of an invitation extended to him to the encampment of the G. A. R.

Nashville, Tenn., March 8.—The closing arguments begun today in the Cooper-Sharp trial. Long before the court opened hundreds were turned away for lack of room. The arguments are not expected to end before Wednesday night or Thursday morning, as no limit of time was put on the speakers.

The judge will then adjourn court for a day, in which to prepare the charge. It is not expected, before Friday, Captain G. T. Fitzgibbon, of Memphis opened for the state.

"A high priced gambler, a man who played for high stakes and never applied the winnings to his honest debts; a man whose sole occupation for years has been playing politics for all that he could get out of it; a man whose honor and integrity were attacked in the press for years; was his characterization of Col. Cooper."

"Why did not the defense ask Gov. Patterson and John Sharp about Carmack?"

They alleged daily references in the newspapers. They attended every debate and were on the stand. They were the men from whom Col. Cooper says he got his information. You can search the press of the state in vain to find a single utterance by Carmack that gives a semblance of justification for the crime of robbing Tennessee of her best statesman.

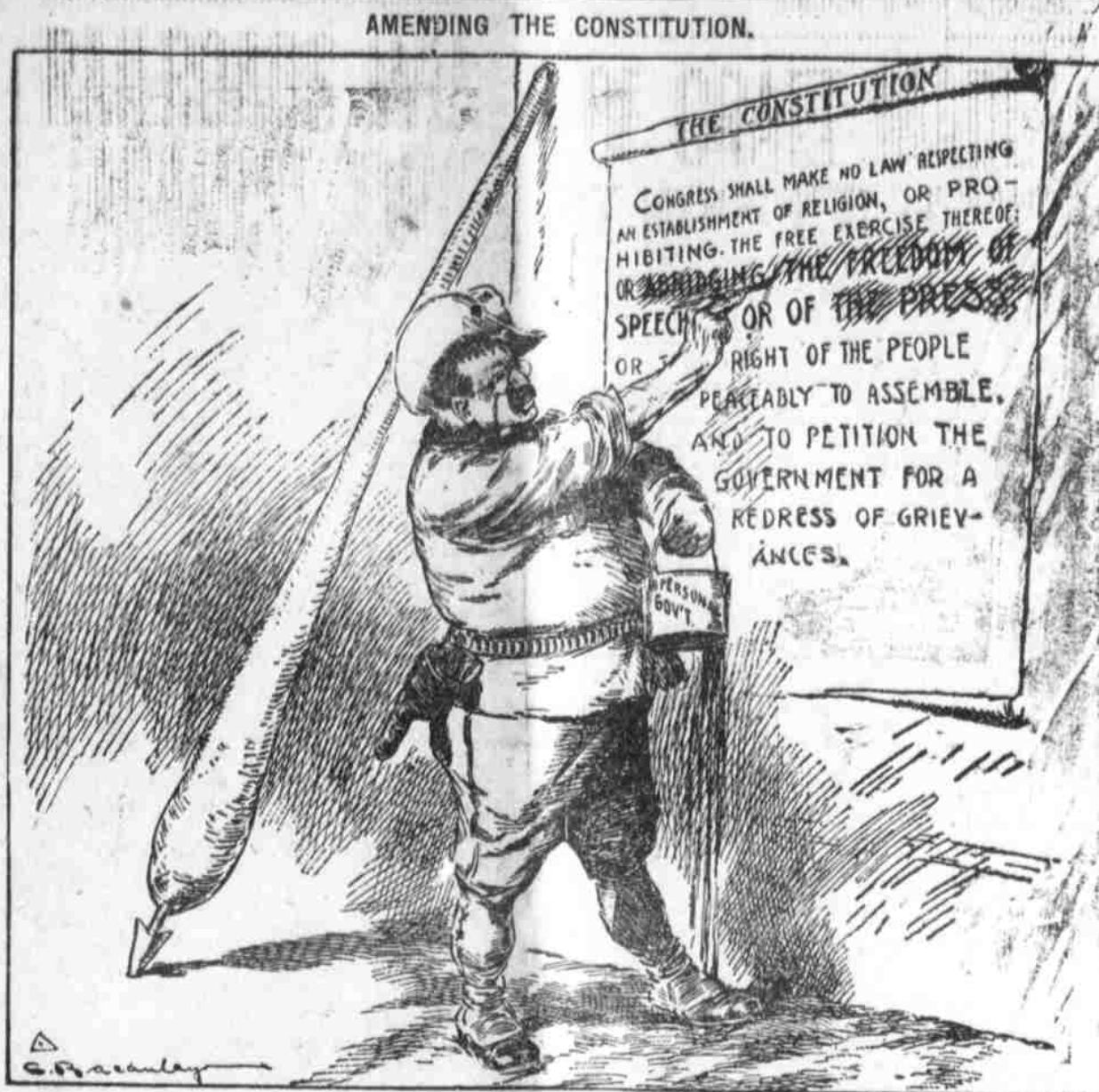
BURTON WILL DRIVE THE SOLONS TO ACTION

Senator Declares Legislature Must Take Some Action on Measure Demanded by People of Ohio and Governor Harmon—Has Plan to Replace Woods Scheme—Confers in Cleveland with Leaders in Legislature.

Cleveland, March 8.—Senator Burton, in his capacity as leader of the Ohio Republican party, not entirely satisfied with the record made by the party through its representatives in the state legislature, came home Sunday determined to use his strongest influence on that body to rise from its policy of inactivity and enact into law some, at least, of the measures demanded by the people of the state.

Mr. Burton held an all-day conference with the leaders in the house and senate, and today will personally visit Columbus to add weight to the demand that the state lawmakers enact some important measures now pending.

In a formal statement issued Senator Burton most emphatically insists upon the passage of the resolution



—Macaulay in New York World.

HOPE FOR I. AND R.
Columbus, March 8.—Friends of the Initiative and referendum bill still insist it must pass the senate and will try today to make it a special order for Tuesday.

BUYS AN ISLAND

U. S. Steel Trust Gets Largest Island in Fresh Water.

Houghton, Mich., March 8.—The Isle Royale in Lake Superior, the largest island in fresh water, again came under American domination, through the purchase by representatives of the United States Steel corporation from an English syndicate.

TWO KILLED IN EXPLOSION
Wilmington, Del., March 8.—Two were killed in an explosion this morning at the Dupont Powder mill near here. Two tons of powder let go. The shock was felt for 20 miles.

SAYS DEED WAS JUSTIFIED

Man Who Kills One and Shoots Another Surrenders to Police.

Columbus, O., March 8.—Frank Ziedo, a bartender in Frank J. Nemeth's saloon, who killed John Sabo, and shot George Sabo in a barroom brawl, Sunday night, surrendered this morning and confessed the shooting but claimed self defense. Ziedo showed a swollen lip and a bruised shoulder. All are Hungarians.

OPENS NAVY YARDS.
Washington, March 8.—Secretary Meyer's first official action today, revoked the Newberry order closing the New Orleans and Pensacola navy yards.

BOYS DROWN IN A CREEK
Barberton, March 8.—While playing ball, Louis Sabo, aged 4 and John Sabo, aged 6, were drowned in Wolfe Creek yesterday. The bodies have not been recovered.

POLICE ARE IN CONTROL

Disperse Mob Which Lynched Negro Assailant of White Woman

Dallas, Texas, March 8.—Rockwall is quiet today after the lynching of Anderson Ellis, the colored assailant of Mrs. Arthur McKinney. The curious crowds viewing the blackened stake in the public square were dispersed this morning.

WILL READ NEWSPAPER

Kaiser Anxious to Learn the Trend of Public Opinion.

Berlin, March 8.—In order to learn the trend of public opinion, the Kaiser will read newspaper clippings on all public questions. He has named the six state departments to collect clippings. The Kaiser believes his lack of real information as to the public opinion was the cause of his recent troubles. It is expected his plans will eliminate the court clique, which has long been ruling the nation through the Kaiser.

EXPLODING LANTERN CAUSES LOSS OF TWO STEAMERS

Gallipoli, O., March 8.—An exploding lantern burned to the water's edge the steamers, J. M. Rowell and the Emma Marie, at the mouth of the Great Kanawha river this morning. The crew of the Rowell narrowly escaped. The loss is estimated at \$25,000.

Guayaquil, Ecuador, March 8.—Strong shocks of earthquake lasting half a minute were felt at midnight at Guayaquil and along the coast. No damage resulted, but the populace was thrown into a state of great panic.

BILLY POSSUM NOW THE RAGE.
Dayton, O., March 8.—Anticipating that the "Billy Possum" will succeed the "Teddy Bears" as a local fad, is preparing to manufacture 1000 per day.

HARMON WINS FIGHT

John C. Sullivan Made Member of Railroad Commission.

Columbus, March 8.—Accepted by member Hughes, John C. Sullivan, of Hamilton county, Harmon's appointee, today became a member of the state railroad commission, displacing James C. Morris, the contestant. The commission is now Democratic 2 to 1.

CASSIE NO. 2.
Chicago, March 8.—Agnes L. Skelly, female wizard of finance, today was tried for swindling Charles H. Jay, a millionaire, in the sale of \$10,000 of worthless stock.

MILITIA IS CALLED

Soldiers Needed to Round-up Escaped Nigh Rider.

Dresden, Tenn., March 8.—The militia from Fort Roben was called and captured Hirschel Hogg, a member of a gang of night riders that helped kill Capt. Rankin, who escaped jail Saturday night.

RAH! RAH! BOYS! WAKE UP TOWN.
Oshkosh, March 8.—Students entered a car house here last night, stole a hand car, ran along the street car tracks with yells and songs, waking the entire town. The railroad officials promise vengeance.

CHARGE OF GRAFT MADE AGAINST HOOSIER MAYOR

Taxpayers League Enjoins Indianapolis Executive From Building City Hall—Mayor Comes Back with Warm Reply and Files Suit for Criminal Slander—Wishes He Lived in West that He Might Avenge the Insult.

Indianapolis, March 8.—Charging contemptible pups of the gutter and graft and the misappropriation of public funds, the Taxpayers league enjoined Mayor Bookwalter from building the new city hall today. The mayor today said the instigators are contemptible pups of the gutter and I regret I don't live in the Rocky Mountains, where they don't wait for courts to right foul slander. He filed a suit in criminal slander today.

EUROPE AWAITS SERVIAN ANSWER

Austria Sets Final Date, March 31, for Reply on Which Hangs War or Peace Between Nations—Russia Thus Far Has Remained Out of Controversy Principally Because of Depleted Treasury.

Berlin, March 8.—War or peace in Europe by March 31.

All Europe hangs upon the attitude of Serbia toward the fixing of this date for her reply to the Austrian message. Austria has taken this stand and will not recede. Serbia has given no indication of how she receives the statement of Austria.

Russian internal supremacy, financial standing, possibly the very existence of the Russian empire hangs in the balance.

This is the situation which may bring about the oft talked of general European war.

Only from the outside does the dove of peace appear to have any interest in the proceedings. It appears to have been released from the German foreign office, but seems stubbornly to persist in hovering about the spot from which it escaped. German advice indicate that Serbia's answer will be most conciliatory in tone.

This does not however, appear to fit well with the tenor of the Austrian note to Serbia, or with the almost sullen silence of Russia.

Germany believes, despite the lowering aspect of the war clouds, that Russia dare not risk a war in behalf of Serbia. Russia at present needs all the troops at her command to care for her internal uprisings, nor would she be safe from an attack from Russian Poland the minute it was seen that the Czar was in dire straits. Then too, a war at this stage of Russia's financial crisis, would mean practical bankruptcy of the empire, a thing which France could not allow because of the vast amount of French capital tied up in Russia.

It is noteworthy, nevertheless that Russia maintains a sullen attitude which her half-hearted peace advice to Serbia a few days ago does not seem to have influenced in the slightest.

On top of this comes the language of the Austrian representative, Count Forgach.

Count Forgach, in addition to notifying Serbia that his government was not in a position to submit a renewal of the commercial treaty between the two countries for parliamentary sanction, also informed the Serbian government that Austria cherished the confident hope that Serbia would notify his government that she had decided to change her policy with regard to Bosnia and Herzegovina and that it was her intention to maintain peaceful relations with Austria-Hungary.

CANNON WORRIES LEST HIS SCALP BE LIFTED

Insurgents Strong with Democratic Aid and Stand Patters Have Cause for Concern—Speaker Trying Hard to Mend His Fences—Tariff Legislation to be Tedious Work—Extra Session Not Limited.

Washington, March 8.—Speaker Cannon and the house machine are badly scared. Insurrection is in the air and the speaker is so apprehensive that he may lose his own scalp that he has kept in Washington former Representative James E. Watson and several others to patch his fences.

It is practically assured that the insurgents will try to tear the house rules wide open. The Democrats are in line and will line up solidly with them. Representative Murdock, of Kansas, leading the insurgents, has twenty-one sure votes. It only takes twenty-four votes with the Democrats to upset the Cannon arrangements. Two new members, one from Wisconsin, the other from Minnesota, were elected on the anti-Cannon issue. This makes twenty-three votes, enough to tie up proceedings and cause a deadlock in the organization.

The talk that "Uncle Joe" will refuse to serve as speaker unless his conception of the Reed rules is continued as house law, is regarded as pure "hunk." The speaker is after that job again and after it with his whole organization at his back trying to save his face.

The old cry that the insurgents are enemies to the country in kicking up the fuss while the tariff bill is pending was sounded by the speaker himself. At a dinner he gave the "C. Q. D." message that the house insurgents were hurting the plain people instead of helping them by breaking up the house machine.

Although the speaker did not go so far in his speech it may be said that the tariff will be a secondary consideration. If the insurgents get control of the house, get the power of naming the committee and of directing them the tariff may be switched completely. It is not a foregone conclusion that the new deal in the house would reappoint Mr. Cannon's ways and means committee. If a new committee, or some new blood is put in to the old one by the insurgents, it follows that there might be different ideas about what the tariff bill should be like.

Insurgents have been trying for so many years to amend the rules of the house and have failed so often

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